

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

June 24, 2005

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Land Board Members:

**SUBJECT: REQUEST FOR APPROVAL TO RELEASE FOR PUBLIC REVIEW THE  
DRAFT HABITAT CONSERVATION PLAN AND ACCOMPANYING  
INCIDENTAL TAKE LICENSE FOR KAHEAWA PASTURES WIND  
ENERGY GENERATION FACILITY, MAUI**

Submitted for your consideration is the “Kaheawa Pastures Wind Energy Generation Facility Draft Habitat Conservation Plan” (Attachment I) and accompanying draft Incidental Take License (Attachment II). The purpose of the Habitat Conservation Plan (HCP) is to mitigate for impacts that construction and operation of the facility may have to four listed species: Hawaiian Petrel (‘Ua’u - *Pterodroma sandwichensis*), Newell’s Shearwater (‘A’o - *Puffinus auricularis newelli*), Hawaiian Goose (Nene - *Branta sandvicensis*), and Hawaiian Bat (‘Ope’ape - *Lasiurus cinereus semotus*). These species are known to be in the vicinity and could be injured or killed if they collide with one of the 20 wind turbines to be constructed on the site. The applicant, Kaheawa Wind Power, LLC, has included measures to minimize impacts, but it is still anticipated that up to two of each of the seabird species, three nene and one hoary bat could be harmed or killed per year over the 20-year term of the HCP.

In order to mitigate for the anticipated impacts to Hawaiian Petrel and Newell’s Shearwater, Kaheawa Wind Power will be conducting surveys for nesting colonies in West Maui, estimating numbers and distribution, identifying management needs, and where possible, implementing beneficial management measures. If opportunities for colony protection/management on West Maui are not identified or are insufficient to mitigate for the actual impacts to these two species, management opportunities will be identified and implemented either in other areas of Maui or on other islands.

To mitigate for anticipated impacts to nene, Kaheawa Wind Power will fund the construction of a nene release pen, the production of nene goslings from the Maui Bird Conservation Center to release into the pen, and the operation and maintenance costs of the pen for a 5-year period. In the unlikely situation where the actual impacts to nene are not sufficiently mitigated by the release pen, funds to construct, operate and maintain a second pen will also be provided.

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While surveys conducted on the project site have not detected the presence of Hawaiian hoary bats, because they are known to occur in the vicinity, Kaheawa Wind Power will provide \$20,000 to the Hawaiian Bat Research Cooperative to expand their research on the habitat requirements of the species. Additional funds will be provided to either fund additional research or implement management actions indicated by the research findings if the actual take exceeds the anticipated level.

The Endangered Species Recovery Committee (ESRC) has visited the project site and provided input to Kaheawa Wind Power during the preparation of the draft HCP. The ESRC reviewed an earlier draft of the HCP and their comments are provided in Attachment III. Kaheawa Wind Power agreed to address all of the issues raised by the ESRC and Division of Forestry and Wildlife staff have ensured that they were adequately addressed in this latest draft.

If the Board approved this submittal, a notice of the availability of the draft Habitat Conservation Plan, ESRC comments, Incidental Take License and Board Submittal will be published in the OEQC Bulletin. The Department will solicit public input and hold a public hearing on Maui during the next 60 days. Following the public review process, the applicant will revise the draft HCP, if needed, and submit it to the Endangered Species Recovery Committee for their final review. The Committee will provide a recommendation to the Board to accept, amend, or reject the proposal and the final HCP will be resubmitted to the Board for final consideration.

RECOMMENDATION:

That the Board approve the release for public review the Kaheawa Pastures Wind Energy Generation Facility Draft Habitat Conservation Plan and accompanying Incidental Take License, by the required two-thirds vote of the authorized membership, subject to review and approval as to form by the Attorney General.

Respectfully submitted,

PAUL J. CONRY  
Administrator

Attachments: I, II and III

APPROVED FOR SUBMITTAL:

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PETER T. YOUNG, Chairperson  
Board of Land and Natural Resources